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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,054	12/05/2003	Mark S. Grendahl	G353.12-0008	9250
164	7590	08/11/2005	EXAMINER	
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			RAMIREZ, RAMON O	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,054

Applicant(s)

GRENDahl, MARK S.

Examiner

RAMON O. RAMIREZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-10,15,16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-23 is/are allowed.
- 6) ☒ Claim(s) 1-4,7-10,15,16,18-20,24-26 and 28 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This is the fourth Office Action corresponding to amendment filed July 5, 2005. The application contains 21 claims. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim recites a single tab but claim 1, from which the claim depends, clearly recites tabs (plural); accordingly, cannot be a single tab. If this claim were amended as an independent claim to recite a single tab, then it would be rejected as claim 10 (see below).

Claim Rejections - 35 USC § 103

Claims 1-4, 7-9, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (Pat No 2,815,863) in view of Hickey (Pat No 5,971,329) and Daoud (Pat No 6,278,061).

Larson shows all the elements recited here, namely a shelf (2), alignment holes (24), brace (10) having receiving apertures and a spacer zone (distance between the alignment holes and the brace when measured on the shelf surface. The specific distance, or space

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zone between the holes and the brace is considered to be an obvious matter of engineering choice; that is the holes can be located as close as desired from the brace.

Both Daoud and Hickey show holes having tab means for securing a conduit within the hole. Daoud shows a plurality of tabs, while Hickey shows a single tab rigid tab.

It would have been obvious to one skilled in the art at the time the invention was made to have provide the device shown by Larson with a rigid tab as shown by Hickey and with a plurality of tabs as shown by Daoud further secure the conduits.

Claims 10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (Pat No 2,815,863) in view of Haegele (Pat No 6,578,282).

The patent to Haegele et al. shows a series of small apertures around holes. It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by Larson with a series of smaller openings around the holes as shown by Haegele et al. to provide additional receiving means. However, this series of openings may have further uses, for example for marking.

Claims 1-4, 7-9, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (Pat No 2,815,863) in view of Hickey (Pat No 5,971,329).

The combination of Larson and Hickey has been described above. This combination can be used following the recited method. As to the step reciting the conduit being secured to the tabs, this is generally met by the references because once the conduits are inserted into the openings, they become secured to the tabs.

Allowable Subject Matter

Claims 21-23 are allowed.

Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Arguments regarding claims 1-4, 7-9 and 26 only recite the elements of the claims without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Claims 15, 16 and 18; the conduits are secured to the tab in a general sense; that is the purpose of the tabs, to secure the conduits.

Claim 10, the small apertures are capable of being used as a marking means.

Claims 19 and 20, the construction surface can be any surface.

Claim 28, no arguments were presented.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

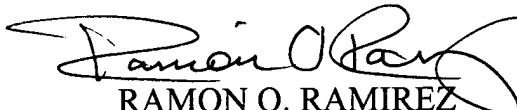
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor ROBERT OLSZEWSKI, can be reached on (571) 272-6788.

The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROR
August 8, 2005


RAMON O. RAMIREZ
Primary Examiner
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